

Brandon Hunter - 2359710
Name and Prisoner/Booking Number
Sacramento County Main Jail
Place of Confinement
651 "I" Street
Mailing Address
Sacramento, CA 95814
City, State, Zip Code

FILED

MAR 25 2024

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERK

(Failure to notify the Court of your change of address may result in dismissal of this action.)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Brandon Eugene Hunter
(Full Name of Plaintiff) Plaintiff,

v.

CASE NO. 2:22-cv-2048 CKD (PC)
(To be supplied by the Clerk)

(1) Bungay
(Full Name of Defendant)

(2) Miranda

(3) McGuire

(4) Sacramento County
Defendant(s).

☐ Check if there are additional Defendants and attach page 1-A listing them.

CIVIL RIGHTS COMPLAINT
BY A PRISONER

Jury Trial Demanded

☐ Original Complaint

☒ First Amended Complaint

☐ Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

☐ Other: _____

2. Institution/city where violation occurred: Sacramento County Main Jail

B. DEFENDANTS

1. Name of first Defendant: Bungay #1001. The first Defendant is employed as:
Deputy Sheriff at Sacramento Main Jail
(Position and Title) (Institution)
2. Name of second Defendant: Miranda #1221. The second Defendant is employed as:
Deputy Sheriff at Sacramento Main Jail
(Position and Title) (Institution)
3. Name of third Defendant: McGuire #616. The third Defendant is employed as:
Deputy Sheriff at Sacramento Main Jail
(Position and Title) (Institution)
4. Name of fourth Defendant: Sacramento County. The fourth Defendant is employed as:
Municipal entity at Sacramento Main Jail
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☒ Yes ☐ No
2. If yes, how many lawsuits have you filed? 5. Describe the previous lawsuits:

a. First prior lawsuit:

1. Parties: Brandon Eugene Hunter v. Sacramento County et al
2. Court and case number: 2:22-CV-1520-JDP
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) pending

b. Second prior lawsuit:

1. Parties: Brandon Eugene Hunter v. Sacramento County et al.
2. Court and case number: 2:22-CV-1282-EEB (PC)
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) pending

c. Third prior lawsuit:

1. Parties: Brandon Eugene Hunter v. Jackowitz et al.
2. Court and case number: 2:22-CV-1281-DB
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) pending

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

1 D.)

2 1.) Brandon Eugene Hunter v. Brenneman et al.

3 2.) 2:22-cv-1141-KJM-CKD

4 3.) pending

5 E.)

6 1.) Brandon Eugene Hunter v. Richard Acosta et al.

7 2.) 2:22-cv-2465-CAS(MAA)

8 3.) dismissed.

D. CAUSE OF ACTION

CLAIM I

1. State the constitutional or other federal civil right that was violated: Violation of Due Process

2. **Claim I.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- | | | | |
|--|--|--|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input checked="" type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input checked="" type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>failure to protect</u> | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim I. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

1.) On 10/20/22 Plaintiff was being improperly housed on the intake floor due to an error by housing classification. Plaintiff was classified as IOP and should have been housed in the mental health part of the jail at the time of this incident.
 2.) Deputies Bungay, Miranda, and McGuire broke policy and opened my cell door without a deputy being present at the door to allow (2) inmate workers to enter my cell. Inmate workers are not allowed to enter occupied cells without a deputy being present at all times according to jail policy.
 3.) These (2) inmates were able to get entry into my cell by simply telling deputies I needed a plunger. However I did not need a plunger and did not request a plunger. Deputies never confirmed with me if I needed a plunger before opening my door. They just opened my door without warning.
 4.) These (2) inmates intentions were to assault me when they entered my cell, because they told me they were going to minutes

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

Right eye damage, emotional distress.

5. **Administrative Remedies:**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Claim I? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Claim I to the highest level? ☒ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. It was not responded to at the appeal level.

1 before the door was opened. Deputies failed to
2 protect me by violating policy and being negligent,
3 by letting these (2) inmates with a different
4 classification as me enter my cell under the
5 ruse of giving me a plunger to assault me
6 without a deputy standing at the door or
7 at least verifying I needed a plunger
8 by communicating with me on the speaker
9 in my cell.

10 5.) As the First inmate entered the cell he placed
11 the plunger by the toilet, then advanced
12 toward me to attack me. We began to
13 fight, as I was defending myself the second
14 inmate entered my cell and began punching
15 me. The cell door closed and locked me inside
16 the cell alone with my (2) assailants. I was
17 able to reach the emergency button. Deputies
18 Annaly answered I stated "there jumping
19 me". Before deputies could respond I was
20 placed in a rear naked choke hold and
21 feared for my life as I began to fall
22 unconscious. At that point deputies entered
23 the cell to stop the assault.

24 6.) I was re-housed in another location
25 and placed in maximum security on lockdown
26 and received a write up by Deputy Bungay.

27 7.) Deputy Bungay violated my rights to due
28 process by falsifying the narrative in the

1 write up labeling me as the aggressor
2 and claiming my (2) attackers were just
3 there to give me toilet paper and a plunger,
4 and were just defending themselves. This
5 was done because of the grudge Sacramento
6 deputies had for me at the time for
7 previous write ups I received in the jail.

8 8.) Plaintiff has been housed in maximum
9 security in a single cell since this
10 incident occurred.

11 9.) Deputies Bungay, McGuire, and Miranda violated
12 my due process rights by breaking written
13 jail policy and letting (2) inmates enter
14 my cell.

15 10.) Deputy Bungay violated my right to due process
16 by filing a falsified incident report against me
17 for the purpose of punishing me.

18 11.) Sacramento County is at fault because
19 I was a Intensive Out Patient Mental
20 Health inmate classified as such but housed
21 in the wrong part of the jail, and I was
22 assaulted in my cell by (2) inmates who
23 were not the same classification as me.

24 Plaintiff is also raising a Monell claim due to
25 this being a systemic issue and had become a
26 culture at the Sacramento Jail see

27 Cravotta v. City of Sacramento, 2024 U.S. Dist. LEXIS
28 26740 (No 2:22-cv-00167-DJC-AC) and Estate of

1 Thomas v. Cnty. of Sacramento, 2022 U.S. Dist.
2 LEXIS 9067 (No. 2:20-CV-0903-KJM DB).

3 These (2) cases are similar in that they
4 were both improperly housed and had
5 mental health classifications as plaintiff is.
6 These (2) people (1) died and the other
7 was on life support. Plaintiff was indeed
8 being choked to death and the suspect
9 was never charged in my matter. Had I not
10 been able to press the emergency button
11 to call for help, I would not be here
12 today to file this lawsuit on my
13 behalf, it would have been my family
14 doing it like these (2) unfortunate
15 individuals.

E. REQUEST FOR RELIEF

State the relief you are seeking:

\$30,000,000 jointly and severally against defendants.
Any other relief the courts deem proper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

3/20/24
DATE



SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or
other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.